

AMENDED IN SENATE AUGUST 18, 2015

AMENDED IN SENATE JULY 6, 2015

AMENDED IN SENATE JUNE 30, 2015

AMENDED IN ASSEMBLY APRIL 21, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1420

Introduced by Assembly Member Salas
(Coauthor: Senator Vidak)

February 27, 2015

An act to add Section 101042 to the Health and Safety Code, and to add Sections 3270.5 and 3270.6 to the Public Resources Code, relating to oil and gas.

LEGISLATIVE COUNSEL'S DIGEST

AB 1420, as amended, Salas. Oil and gas: pipelines.

Existing law requires the Division of Oil, Gas, and Geothermal Resources to prescribe minimum facility maintenance standards for oil and gas production facilities, including pipelines that are not under the jurisdiction of the State Fire Marshal. Under the division's regulations, an owner or operator of an active environmentally sensitive gas pipeline that is a gathering line is required to perform a mechanical integrity test on the pipeline, unless it is less than 10 years old.

This bill would require a mechanical integrity test every 2 years for all active gas pipelines of any diameter within sensitive areas, as defined.

The bill would require the division, by January 1, 2018, to identify all active gas pipelines within sensitive areas.

Existing law establishes local health departments, under the purview of the local health officer. Existing law prescribes various duties for those local health departments, including supervising remediation when hazardous waste is released and enforcing statutes relating to public health.

This bill would require a local health officer or his or her designee, if he or she is notified of a leak in an active gas pipeline within a sensitive area and makes certain determinations, to take certain actions related to the leak, working collaboratively with the division and the owner or operator of that pipeline. The bill would require the local public health officer or his or her designee to direct the responsible party to notify residents affected by the leak if he or she determines that the leak poses a serious threat to public health and safety. Because the bill would require a local health officer or his or her designee to provide a higher level of service to the public, this bill would impose a state-mandated local program.

This bill would require owners or operators of pipelines under the division's jurisdiction, upon discovery of a leak from the pipeline, to notify the division and the appropriate local health officer or his or her designee of the leak. Because a violation of this requirement would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 101042 is added to the Health and Safety
- 2 Code, to read:

101042. (a) If the local health officer or his or her designee is notified of a leak in an active gas pipeline within a sensitive area pursuant to Section 3270.6 of the Public Resources Code and the local health officer or his or her designee determines that the leak poses a risk to public health or safety and *that* the response to the leak has been inadequate to protect the public health or safety, the local health officer or his or her designee shall, working collaboratively with the division and the owner or operator of the pipeline, do both of the following:

(1) Direct the responsible party to test, to the satisfaction of the agency overseeing the testing, the soil, air, and water in the affected area for contamination caused by the leak and disclose the results of the tests to the public.

(2) Make a determination, based on the result of the tests, on whether the leak poses a serious threat to the public health and safety of residents affected by the leak, and *require the responsible party to* provide assistance, including temporary relocation, to those residents ~~if it~~ *the local health officer or his or her designee* so determines.

(b) If the local health officer or his or her designee determines, based on the results of the test, that the leak poses a serious threat to public health and safety, the local health officer or his or her designee shall direct the responsible party to notify all residents affected by the leak.

(c) The responsible party shall be liable for the costs incurred by the local health officer or his or her designee pursuant to this section.

(d) Providing resident assistance and reimbursement for local health officer expenses shall not relieve a responsible party from liability for damages, and a responsible party shall not condition assistance or request a waiver of liability from the recipient of the assistance.

SEC. 2. Section 3270.5 is added to the Public Resources Code, to read:

3270.5. (a) The division shall require a mechanical integrity test, as described in subdivision (e) of Section 1774.1 of Title 14 of the California Code of Regulations, or any successor regulation, every two years for all active gas pipelines of any diameter within sensitive areas.

1 (b) By January 1, 2018, the division shall identify all active gas
2 pipelines of any diameter subject to this section.

3 (c) For purposes of this section, “sensitive area” means any of
4 the following:

5 (1) An area containing a building intended for human occupancy,
6 such as a residence, school, hospital, or business, that is located
7 within 300 feet of an active gas pipeline and that is not necessary
8 to the operation of the pipeline.

9 (2) An area determined by the supervisor to present significant
10 potential threat to life, health, property, or natural resources in the
11 event of a leak from an active gas pipeline.

12 (3) An area determined by the supervisor to have an active gas
13 pipeline that has a history of chronic leaks.

14 SEC. 3. Section 3270.6 is added to the Public Resources Code,
15 to read:

16 3270.6. Upon the discovery of a leak from an active gas
17 pipeline under the jurisdiction of the division that is within a
18 sensitive area, as defined in Section 3270.5, the owner or operator
19 of the pipeline shall promptly notify the division and the local
20 health officer, or his or her designee, of the jurisdiction in which
21 the leak is located.

22 SEC. 4. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution for certain
24 costs that may be incurred by a local agency or school district
25 because, in that regard, this act creates a new crime or infraction,
26 eliminates a crime or infraction, or changes the penalty for a crime
27 or infraction, within the meaning of Section 17556 of the
28 Government Code, or changes the definition of a crime within the
29 meaning of Section 6 of Article XIII B of the California
30 Constitution.

31 However, if the Commission on State Mandates determines that
32 this act contains other costs mandated by the state, reimbursement
33 to local agencies and school districts for those costs shall be made
34 pursuant to Part 7 (commencing with Section 17500) of Division
35 4 of Title 2 of the Government Code.